

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MATTHEW LETHBRIDGE and  
JENNIFER LETHBRIDGE as Co-Personal  
Representatives of the Estate of Isaac Lethbridge  
and as Next Friend of EMMA LETHBRIDGE,

Plaintiffs,

v.

CASE NO. 06-14335  
HON. LAWRENCE P. ZATKOFF

LULA BELLE STEWART CETNER  
KARL TROY, GRACIE ROBINSON,  
EDNA WALKER, JANET BURCH and  
CHARLISE ROGERS, jointly and severally,

Defendants.

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**ORDER COMPELLING DISCOVERY**

This matter is before the Court upon Defendants' Motion to Compel Discovery. Defendants seek certain records which records are in the possession of the Michigan Department of Human Services ("MDHS"), a non-party to this case. Defendants had subpoenas issued to MDHS, who objected to the production of the requested records based on Michigan's Child Protection Law, MICH. COMP. LAWS § 722.627(2)(g).

In civil actions, non-parties "may be compelled to produce documents and things or to submit to an inspection as provided in Rule 45." FED. R. CIV. P. 34(c). Rule 45(c)(2)(B) provides that "if objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production." FED. R. CIV. P. 45(c)(2)(B).

Under the Child Protection Law, certain records are confidential and protected from

disclosure unless statutory criteria are met. Such records may be made available when “a court determines the information is necessary to decide an issue before the court.” MICH. COMP. LAWS § 722.627(2)(g). After reviewing the facts and circumstances of the case, including the parties’ pleadings and issues raised therein, the Court finds that the information contained in the records subpoenaed by Defendants is relevant to the defense in this case and is, therefore, necessary to decide an issue before the court. However, given the sensitive nature of the materials sought and the subject matter of the present case, the Court concludes that a protective order is necessary to safeguard the interests of the minor children involved in this case. Therefore,

IT IS ORDERED that the Michigan Department of Human Services produce the records sought in Defendants’ subpoenas.

IT IS FURTHER ORDERED that prior to producing the subpoenaed documents, Defendants and MDHS submit a joint proposed protective order to the Court within 14 days of this Order detailing the documents to be produced, the method of production and the safeguards taken to protect the confidentiality of the records.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: February 28, 2007

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 28, 2007.

s/Marie E. Verlinde

Case Manager

(810) 984-3290